



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4036-99
29 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps dated 27 October 1999, a copy of which is enclosed and your rebuttal thereto dated 15 November 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650

MMMA-3

27 OCT 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]

1. During the period he served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.
2. A review of his service and medical records, and the records at this Headquarters fails to reveal any documentation to substantiate his entitlement to a Purple Heart award. The injury he received on 7 August 1969, in Vietnam was from friendly fire and was reported as non-hostile as he was not actively engaged in combat actions against the enemy at the time of his injury. Therefore since the injury was non-hostile he would not be entitled to a Purple Heart award.
3. [REDACTED] is entitled to the following awards for his service in the U.S. Marine Corps:

Combat Action Ribbon for service in Vietnam

National Defense Service Medal

Vietnam Service Medal with two bronze stars

Republic of Vietnam Meritorious Unit Citation
(Gallantry Cross Color with palm)

Republic of Vietnam Meritorious Unit Citation
(Civil Actions Color, 1st Class with palm)

Rifle Marksman Badge

3. A point of contact at MMA is Mr. [REDACTED]

[REDACTED]
[REDACTED]
Head, Military Awards Branch
Personnel Management Division
by direction of
the Commandant of the Marine Corps